**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT NO.1968 OF 1998.**

Bank of India. ... Plaintiff.

Versus.

Ganesh Valley Farms & Nursery. ... Defendant.

Shri A.P.Rege for the Plaintiff.

**CORAM : ABHAY S.OKA, J.**

**DATED : 6th July, 2007.**

**P.C.:**

1. This suit is kept under the caption of "Undefended suit for exparte decree".

2. I have perused the plaint and averments made therein. I have also perused the annexures to the plaint. In my view, this is a fit case for invoking Sub-Rule (2) of Rule 5 of Order VIII of the Code of Civil Procedure, 1908. The plaint does not disclose that the Defendant is under disability. However, interest as prayed deserved to be granted at the rate of 15% per annum.

3. Hence there will be a decree in terms of prayer clauses (a) and (b) with modification that the interest payable will be at the rate of 15% per annum on the suit claim from the date of suit till the date of payment.

**Judge.**